

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
September 23, 2014 - 9:00 A.M.

PRESENT: COMMISSIONER GARY J. ANDERSON, CHAIR
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR
COMMISSIONER DOUG WITNEY

ALSO PRESENT:

Paul Jones, Utah County Deputy Attorney	Julie Rollins, Utah County Purchasing Agent
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.	Lana Jensen, Utah County Personnel Director
Merlin Ethington, Utah County Assessor's Office	Richard Nielson, Utah County Public Works Director
Keven Ewell, Utah County Assessor's Office	Jeff Smith, Utah County Recorder
Peter A. Jepps, Utah County Assessor's Office	Robert C. Kirk, Utah County Treasurer
Jim Stevens, Utah County Assessor's Office	Cathy Davies, Utah County Justice Court
Dr. Joseph K. Miner, Health Department Exec. Director	Dennis Marker, Santaquin City Community Development
Evan Braithwaite, Brigham Young University - Health	Bill Freeze, Utah County Association of Realtors President
	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

The Board momentarily recessed to assemble as The Board of Equalization of Utah County from 9:04 A.M. to 9:05 A.M. The Utah County Board of Commissioners reconvened at 9:05 A.M., and the commissioners moved forward with the following agenda items.

CONSENT AGENDA

1. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2014-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE

2. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE

Commissioner Ellertson noted that the business location for Account No. 4587, Atchafalaya Inc. registered to John Troy Gifford, was relocated due to the building of the Utah Valley Convention Center. Utah County Treasurer Robert C. Kirk stated his office would investigate the matter, and the Board chose to approve the list with the exception of this account.

APPROVED WITH THE EXCEPTION OF ACCOUNT NO. 4587 AS DISCUSSED

3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20315, DATED SEPTEMBER 17, 2014

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4. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY SHERIFF'S OFFICE AND THE CHILDREN'S JUSTICE CENTER**

5. **RATIFICATION OF PAYROLL**

Period 19	9 Checks: \$ 7,040.85	1,123	Total Deposits: \$1,463,424.31	Total:	\$1,470,465.16
			Federal Payroll Taxes	Total:	\$ 211,764.19

6. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 890	September 15, 2014	Bond Wires:306-306	Total:	\$ 49.90
Register No. 891	September 15, 2014	Direct Deposit:20351-20351	Total:	\$ 5,335.00
Register No. 892	September 15, 2014	Check Nos. 198765-198820	Total:	\$ 114,204.03
Register No. 893	September 15, 2014	Direct Deposit:20352-20361	Total:	\$ 11,815.28
Register No. 894	September 15, 2014	Check Nos. 198821-198850	Total:	\$ 40,819.75
Register No. 895	September 15, 2014	Direct Deposit:20362-20362	Total:	\$ 200.00
Register No. 896	September 15, 2014	Check Nos. 198851-198904	Total:	\$ 2,628.00
Register No. 897	September 16, 2014	Direct Deposit:20363-20365	Total:	\$ 3,121.27
Register No. 898	September 16, 2014	Check Nos. 198905-198944	Total:	\$ 165,083.00
Register No. 899	September 17, 2014	Direct Deposit:20366-20386	Total:	\$ 16,612.03
Register No. 900	September 17, 2014	Check Nos. 198945-198981	Total:	\$ 31,779.85
Register No. 901	September 17, 2014	Bond Wires:307-308	Total:	\$ 386.83
Register No. 902	September 17, 2014	Check Nos. 198982-199008	Total:	\$ 49,535.28
Register No. 903	September 18, 2014	Direct Deposit:20387-20389	Total:	\$ 114,359.40
Register No. 904	September 18, 2014	Purchasing Cards 2913-2926	Total:	\$ 2,949.97
Register No. 905	September 18, 2014	Check Nos. 199009-199012	Total:	\$ 29,359.56
Register No. 906	September 18, 2014	Direct Deposit:20390-20400	Total:	\$ 912,363.50
Register No. 907	September 18, 2014	Check Nos. 199013-199022	Total:	\$ 78,035.38
Register No. 908	September 19, 2014	Bond Wires:309-309	Total:	\$ 164.70
Register No. 909	September 19, 2014	Direct Deposit:20401-20403	Total:	\$ 137,716.82
Register No. 910	September 19, 2014	Check Nos. 199023-199075	Total:	\$ 270,658.55
Register No. 911	September 19, 2014	Purchasing Cards 2927-2960	Total:	\$ 21,503.43
Register No. 912	September 19, 2014	Direct Deposit:20404-20412	Total:	\$ 12,166.28
Register No. 913	September 19, 2014	Check Nos. 199076-199099	Total:	\$ 62,194.91
			Total:	<u>\$2,083,042.72</u>

Consent Agenda Item Nos. 1 through 6 were approved as written, with changes noted to Consent Agenda Item No. 2. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE EMPLOYEE DONATIONS OF LEAVE TIME WITHIN THE UTAH COUNTY PERSONNEL OFFICE**

2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE OUTREACH EDUCATION AGREEMENT WITH THE UNIVERSITY OF UTAH POISON CONTROL CENTER**

5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE COST-SHARE AGREEMENT WITH THE STATE OF UTAH DEPARTMENT OF NATURAL RESOURCES AND THE U.S.D.A. FOREST SERVICE FOR COSTS ASSOCIATED WITH FIGHTING THE SPRING CANYON FIRE (Continued from the September 16, 2014 Commission meeting)**

The Board suggested this item be stricken from the agenda.

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7. **ADOPT A RESOLUTION ACCEPTING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN THE INTERLOCAL AGREEMENT WITH THE UTAH STATE DEPARTMENT OF AGRICULTURE REGARDING AGRICULTURE INSPECTIONS AND RENTAL OF OFFICE SPACE**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$8,750.00 TO THE CENTER FOR WOMEN AND CHILDREN IN CRISIS FOR THE PURCHASE OF A GENERATOR**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 3 were approved; No. 2 was abated with noted changes; No. 4 was adopted; and Nos. 5 and 6 were ratified. Regular Agenda Item No. 1 was approved; Nos. 2 and 8 were approved and authorized; No. 5 was stricken from the agenda; and No. 7 was adopted.

AGREEMENT NOS.: 2014-638, 2014-639, 2014-640, 2014-641, 2014-642 and 2014-643

RESOLUTION NOS.: 2014-96 and 2014-97

REGULAR AGENDA

3. **APPROVE OR DENY A REQUEST FROM WILLOWCREEK MIDDLE SCHOOL TO WAIVE THE \$300 EVENT PERMIT FEE FOR USE OF A PORTION OF THE JORDAN RIVER PARKWAY AND THE ROADS IN WILLOW PARK FOR THE "WILLOWCREEK MIDDLE SCHOOL 5K" TO BE HELD ON OCTOBER 11, 2014**

Utah County Public Works Director Richard Nielson reminded the commissioners this Willowcreek Middle School 5K is a recurring event.

Commissioner Ellertson made the motion to waive the \$300 event permit fee for the Willowcreek Middle School to use a portion of the Jordan River Parkway and the roads in Willow Park for the 5K to be held on October 11, 2014 as described in Regular Agenda Item No. 3, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-644

4. **ACCEPT THE RECOMMENDATION, AND APPROVE THE RECOMMENDED FUNDING LIST, FOR PROJECTS FUNDED WITH COUNTY SALES TAX PROCEEDS AS PRESENTED BY THE MOUNTAINLAND ASSOCIATION OF GOVERNMENTS OR AS AMENDED BY THE BOARD OF COMMISSIONERS (Continued from the August 26 and September 9, 2014 Commission meetings)**

Commissioner Ellertson summarized: this is the list of projects to be considered for funding through Utah County, Utah Department of Transportation, and the Mountainland Metropolitan Planning Organization (MPO) monies. The Board is only addressing the county portions, and the commissioners would like to set some parameters for the funding source. Commissioner Ellertson suggested approval on an annual basis rather than the current three- or four-year program.

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Utah County Public Works Director Richard Nielson clarified that the Utah Department of Transportation (UDOT) has chosen to approve the projects without necessarily finalizing funding. Commissioner Ellertson expressed discomfort with this idea, and addressed the plans for Santaquin and SR 146 with Commissioner Witney and Mr. Nielson.

Santaquin City Assistant Manager Dennis Marker came forward to explain work needed at the 400 East intersection to widen Highway 6. UDOT is contributing to the project and the city is providing \$50,000 towards the grid system for additional capacity on Main Street. It will provide better access for commercial development at that location. Mr. Marker mentioned that Ridley's Family Market has purchased approximately seventy-five percent of an area, and have partnered with Santaquin to ensure easy traffic flow. Santaquin City is anticipating an additional \$200,000 of road improvement money through the Redevelopment Agency.

Commissioner Witney pointed out the concern in county money potentially funding commercial use. Dennis Marker clarified that while access for the commercial area will be improved, the overall changes to the city grid are beneficial to all residents. Mr. Marker emphasized Ridley's Family Market is not seeking government assistance in their development, and in fact does not want immediate access directly off the freeway as other similar stores would request. The Board and Mr. Marker discussed the UDOT and Mountainland Association of Governments (MAG) processes.

Commissioner Ellertson asked about road improvement and beautification. Dennis Marker noted there is no additional sidewalk, landscaping, or related costs. Utah County Public Works Director Richard Nielson added restorations are made to areas that were disturbed during construction. Mr. Marker confirmed the overall total cost of the project to be approximately \$800,000.00.

Commissioner Ellertson made the motion to approve the recommended funding list for projects funded with County Sales Tax proceeds, with the exception of List Item No. 5 regarding PG SR146 Canyon Road, as described in Regular Agenda Item No. 4. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-645
APPROVED WITH CHANGES

6. ADOPT A RESOLUTION REQUESTING THE RECERTIFICATION OF THE UTAH COUNTY JUSTICE COURT

Utah County Deputy Attorney Paul Jones explained how the Utah County Justice Court must be certified every four years through the state Administrative Office of the Courts. Commissioner Anderson asked what would occur if the certification lapsed, and Mr. Jones noted the court would cease to exist. The current cases would be redistributed between cities and district courts, and there may be some lost revenues for the county. Commissioner Ellertson pointed out that the loss of revenues might be balanced by decreased expenses. Commissioner Anderson mentioned past discussions regarding merging with Provo City court, and the Board discussed flexibility, format, and time limitations.

Commissioner Witney made the motion to adopt the resolution requesting the recertification of the Utah County Justice Court as identified in Regular Agenda Item No. 6. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

RESOLUTION NO. 2014-98

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At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

13. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED

Commissioner Witney made the motion to strike Regular Agenda Item No. 13 for a closed meeting to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

STRICKEN

9. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

10. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

11. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

12. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Utah County Health Department Executive Director Dr. Joseph K. Miner introduced Evan Braithwaite, a Brigham Young University pre-medical student participating in a program where he will be 'shadowing' Dr. Miner as part of his studies.

Commissioner Anderson commended Billy Hesterman of the *The Daily Herald*, who is moving on from covering county business to work with Senator Howard Stephenson and the State Tax Commission. Commissioner Anderson noted Mr. Hesterman's integrity, capability, and fairness in reporting. Commissioners Ellertson and Witney agreed with Commissioner Anderson's statements, making an informal motion to thank and recognize Mr. Hesterman while wishing him the best of luck in all future endeavors.

This concluded the public comment portion of the open meeting, and the meeting recessed at 9:32 A.M. to go into closed meetings. The public meeting reconvened at 10:27 A.M.

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Commissioner Witney made the motion to adjourn the September 23, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:27 A.M. The minutes of the September 23, 2014 Commission Meeting were approved as transcribed on November 4, 2014.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor